

REMARKS

Claims 41, 42, 44-52, 57-68, 70-78, and 100-106 are pending in the present application and currently stand rejected as discussed below. Claims 41, 49, and 60-64 are herein amended. No new matter has been added by the amendments.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 41, 42, 44-49, 51-52, 60-68, 70-76, and 100-106, of which claims 41, 60, 70, and 100 are the independent claims, currently stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Pub. No. 2004/0054630 (“Ginter”).

Independent Claim 41

Claim 41 is directed to a video distribution method performed by a video distribution system and recites in part:

after a video item is viewed by a consumer using a particular one of said player devices at a remote viewing location, *receiving from the particular one of said player devices* information identifying the video item viewed and at least one distribution agent associated with the video item viewed.

(Emphasis added.)

In support of the rejection of claim 41, the Examiner has cited “receiving from the particular one of the player devices, information (administrative object containing header 802 and audit information) identifying the video item viewed and at least one distribution agent associated with the video item viewed (see [0989], [1022]).” (Office Action of June 5, 2007, pp. 3-4.) The cited passages from Ginter describe information that is *sent to* an end user, not information *received from* a player device. The logical object structure 800 including the public header 802 described in paragraph [0989] of Ginter “supports digital content *delivery*.” (Ginter, paragraph 0983], emphasis added.) As described in the cited passage, “an administrative object may be sent, for example, by a distributor, client administrator, or perhaps a clearinghouse or other financial service provider, *to an end user*, or alternatively, for example, *by an object creator* to a distributor or clearinghouse.” (Ginter, paragraph [1022], emphasis added.) Ginter

describes that a “virtual distribution environment 100 will “meter” each time a consumer watches the video, and report usage to video production studio 204 from time to time” (Ginter, paragraph [0376]), but this “metering” does not describe or suggest receiving from a player device information identifying at least one distribution agent. Identifying only a video title viewed does not necessarily identify at least one distribution agent associated with the video item viewed since, for example, more than one distribution agent may be associated with a video title, and not all of the distribution agents may be associated with the particular video item representing that title viewed. The cited passages do not teach or suggest *“receiving from* the particular one of the player devices, information identifying the video item viewed *and* at least one distribution agent” as recited in claim 41. Applicants respectfully contend that receiving identifying information from a player device after a video item is viewed is patentably distinct from sending identifying information to a consumer device with a digital content item.

For at least the reasons explained above, Applicants respectfully submit that the cited reference does not teach the recitations of claim 41 and, therefore, claim 41 is patentably defined over the cited art. Accordingly, Applicants respectfully request that the rejection of claim 41 be withdrawn.

Independent Claim 60

Claim 60 is directed to a system for distributing recorded digital data and recites in part:
a transmitting mechanism configured *to transmit from the at least one playback device* to the system information identifying the contents of, and the distribution agent associated with, the at least one copy of the recording played by the at least one playback device

(Emphasis added.)

The arguments presented above with respect to claim 41 apply as well to claim 60. For at least the reasons explained above with respect to claim 41, Applicants respectfully submit that the cited reference does not teach the recitations of claim 60 and, therefore, claim 60 is patentably defined over the cited art. Accordingly, Applicants respectfully request that the rejection of claim 60 be withdrawn.

Independent Claim 70

Claim 70 is directed to a system for playing, and monitoring the playing of, digital recordings and recites in part:

a system controller configured ***to receive from the at least one playback device*** information identifying the distribution agents associated with the recordings played by the at least one playback device

(Emphasis added.)

The arguments presented above with respect to claim 41 apply as well to claim 70. For at least the reasons explained above with respect to claim 41, Applicants respectfully submit that the cited reference does not teach the recitations of claim 70 and, therefore, claim 70 is patentably defined over the cited art. Accordingly, Applicants respectfully request that the rejection of claim 70 be withdrawn.

Independent Claim 100

Claim 100 is directed to a system for playing, and monitoring the playing of, digital recordings and recites in part:

a transmitting mechanism that is configured to communicate with the playback device and is configured ***to transmit from the playback device*** to the system operator information identifying the contents of, and the distribution agent associated with, the copy of the recording played by the playback device

(Emphasis added.)

The arguments presented above with respect to claim 41 apply as well to claim 100. For at least the reasons explained above with respect to claim 41, Applicants respectfully submit that the cited reference does not teach the recitations of claim 100 and, therefore, claim 100 is patentably defined over the cited art. Accordingly, Applicants respectfully request that the rejection of claim 100 be withdrawn.

Dependent Claims 42, 44-49, 51-52, 61-68, 71-76, and 101-106

Claims 42, 44-49, 51-52, 61-68, 71-76, and 101-106 each depend, directly or indirectly, from one of claims 41, 60, 70, and 100. Applicants respectfully submit that for at least the reasons explained above with respect to independent claims 41, 60, 70, and 100, the dependent

claims are patentably defined over the cited art and, accordingly, respectfully request that the rejection of these claims be withdrawn.

Claim Rejections – 35 U.S.C. § 103(a))

Dependent Claim 50

Claim 50 stands rejected as allegedly unpatentable under 35 U.S.C. § 103(a) as being obvious over Ginter in view of U.S. Pat. No. 6,243,350 ("Knight"). Claim 50 depends from claim 41. Applicants respectfully submit that for at least the reasons explained above with respect to independent claim 41, claim 50 is patentably defined over the cited art and, accordingly, respectfully request that the rejection of this claim be withdrawn.

Dependent Claims 57-58 and 77-78

Claims 57-58 and 77-78 stand rejected as allegedly unpatentable under 35 U.S.C. § 103(a) as being obvious over Ginter in view of U.S. Pat. No. 6,147,715 ("Yuen"). Claims 57-58 each depend, directly or indirectly, from claim 41. Claims 77-78 each depend from claim 70. Applicants respectfully submit that for at least the reasons explained above with respect to independent claims 41 and 70, claims 57-58 and 77-78 are patentably defined over the cited art and, accordingly, respectfully request that the rejection of these claims be withdrawn.

Dependent Claim 59

Claim 59 stands rejected as allegedly unpatentable under 35 U.S.C. § 103(a) as being obvious over Ginter in view of Yuen and U.S. Pub. No. 2005/0010949 ("Ward"). Claim 59 depends indirectly from claim 41. Applicants respectfully submit that for at least the reasons explained above with respect to independent claim 41, claim 59 is patentably defined over the cited art and, accordingly, respectfully request that the rejection of this claim be withdrawn.

Conclusion

As explained above, Applicants submit that claims 41, 42, 44-52, 57-68, 70-78, and 100-106, which currently stand rejected in the Application, are patentably defined over the cited art.

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The Examiner is respectfully urged to reconsider the Application. Favorable consideration and passage to issue of the application is earnestly solicited. If the Examiner should, however, find the claims as presented herein are not allowable for any reason or if the Examiner has any questions, comments, or suggestions that would expedite the prosecution of the present case, the Applicants undersigned representative would sincerely welcome a telephone conference at (206) 903-2475.

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